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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,168	10/11/2005	Vesa Uitto	047121-5010	2027
55694 7590 03/04/2008 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209				
EXAMINER				
WONG, ALBERT KANG				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
03/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/552,168

## Applicant(s)

UITTO, VESA

## Examiner

ALBERT K. WONG

## Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CIS)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

1. This Office action is in response to the amendment filed December 6, 2007. Claims 1-21 are pending; claims 8-12 have been withdrawn. The prior rejections of the claims have been withdrawn in view of the amendment and remarks. Applicant's remarks have been considered but are deemed moot in view of the new rejections.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 21, this claim is inconsistent with parent claim 1. Claim 1 recites the steps of collecting information on the borehole while claim 21 recites steps for drilling the borehole. It is unclear how one can collect information prior to drilling the hole. Further, the step of drilling through the identifier would essentially destroy it, thus, it is unclear how the identifier may be read so that the information may be linked.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 13-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (6,826,492).

Regarding claim 1, the step of collecting and storing information, in a control unit, on at least one borehole is taught in col. 3; the step of arranging at least one machine-readable

identifier is taught as the well site identifier (see col. 4, lines 61-66); and the step of linking the information with the identifier is taught in col. 3, lines 62-end. Newman does not specifically teach using the borehole information to control drilling or charging the borehole. Newman teaches in col. 1 that the well file serves as a blueprint for work done at the well. The functions of drilling and charging are conventional operations performed at a well. It would have been obvious to perform such functions as suggested by the reference.

Regarding claim 2, see col. 3, line 62-col. 4, line 35.

Regarding claim 3, the identifying and linking steps have been addressed in claim 2. The storing step is taught as the storing and linking of data in the vehicle.

Regarding claim 4, the identifier is considered the bar code or memory chip.

Regarding claim 5, Figure 5 shows a computer that has an identifier stored in memory and also receives measured data from the truck which is then stored in the same memory. Newman teaches the use of transducers to measure the borehole under examination. Col. 3 teaches the storing of a blueprint that describes the well and its components. Thus, any measured information about the well would be included. It would have been obvious to include information such as borehole straightness and dimensions to determine what should be placed in the well. Rock type would also be of interest when injecting chemicals and cement. Thus, it would have been obvious to include such data since they are essential to well operations.

Regarding claim 6, col. 3 teaches a computer located on a service vehicle that is able to read the identifier and data. The vehicle is equivalent to the claimed mine vehicle. Since the vehicle is used to perform some function on the well, the transmission of information to a control

device on the vehicle to control a function is merely automating a manual process. It would have been obvious to automate such a process to reduce human error.

Regarding claim 7, the control unit is shown as the data gathering equipment. The identifier is shown as item 54. The linking of information has been addressed above. The storing of borehole information in a control unit has been addressed in claim 1.

Regarding claim 13, Newman does not teach an identifier as an elongated tubular frame. One of ordinary skill in the art would recognize that the size and shape of the identifier would be determined on the particular type of identifier and the location where it is attached to the well. A pipe is a common point of attachment in a well since such surfaces are readily available. It would have been obvious where a pipe is an identifier location the identifier would be shaped like an elongated tubular frame to easily integrate the identifier with the point of attachment. The location of the tubular frame is considered an obvious design choice since it is not critical to the invention. The only requirement is that the identifier may be read at a later data. Newman teaches that the id may be read wirelessly, and thus, does not have to be in an easily accessible spot.

Regarding claim 14, see col. 4, lines 4-15.

Regarding claim 15, see figures 5 and 6.

Regarding claim 17, this claim is essentially the same as claim 6 and is rejected for the same reasons.

Regarding claim 18, the steps of using an identifier on a tubular frame and inserting the frame into a borehole has been addressed above. It would have been obvious to insert sealant material to secure the tubular frame.

Regarding claims 19 and 20, the location of the identifier is considered an obvious design choice since it may be fastened to any convenient permanent fixture at the well site.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman '189 as applied to claim 7 above, and further in view of Newman (6,578,634).

Regarding claim 16, Newman '189 does not teach an identification code as a visually readable character. Newman '643 teaches a similar system with an APIN identifier (see col. 4, lines 50-55). The APIN identifier is a visually readable character.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT K. WONG whose telephone number is (571)272-3057. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Albert K. Wong  
February 21, 2008

/Albert K Wong/  
Primary Examiner, Art Unit 2612

**Application Number****Application/Control No.**

10/552,168

**Examiner**

ALBERT K. WONG

**Applicant(s)/Patent under  
Reexamination**

UITTO, VESA

**Art Unit**

2612